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FILED
DISTRICT COURT OF GUAM

OCT 12 2007

**JEANNE G. QUINATA
Clerk of Court**

7 | Attorneys for the United States of America

**IN THE UNITED STATES DISTRICT COURT
FOR THE TERRITORY OF GUAM**

11 UNITED STATES OF AMERICA) CIVIL CASE NO. 07-00022
12 Plaintiff,)
13 vs.)
14 ONE 2003 MAZDA PROTÉGÉ)
AUTOMOBILE,)
VIN JM1BJ245X31205914,)
16 Defendant.)

**MOTION OF THE UNITED STATES
FOR A PRELIMINARY ORDER OF FORFEITURE**

NOW COMES the United States of America, by and through the undersigned counsel, and moves this Court for a Preliminary Order of Forfeiture in the above-captioned case.

This motion is supported by the following:

1. On August 7, 2007, a verified complaint of forfeiture was filed in the United States
District Court of Guam to enforce the provision of Title 18, United States Code, Section
981(a)(1)(B)(i), Title 21, United States Code, Section 841(a)(1), and Title 21, United States
Code, Section 853(a)(2) for the forfeiture of an automobile, which was used to commit and

facilitate the commission of the crime of distribution of a controlled substance

PERSONAL PROPERTY

(a) 2003 Mazda Protégé Automobile, color Silver,
VIN JM1BJ245X31205914

2. On August 14, 2007, the United States Marshals Service served a copy the Verified Complaint of Forfeiture and Notice of Arrest on Darrell S.C. Stewart, owner of said vehicle.

3. A research through the court's data system (PACER), reviews that as of October 10, 2007, Mr. Stewart had not filed a claim or an answer to the Verified Complaint. See Attachment A.

4. The United States is entitled to forfeit the subject property pursuant to Title 21, United States Code, Section 853 and Rule 32.2 of the Federal Rules of Criminal Procedure.

5. Upon the issuance of a Preliminary Order of Forfeiture, the United States will provide written notice to any known third parties asserting a legal interest in the subject property, and will publish, in a newspaper of general circulation, notice of the Court's Order and the intent of the United States to dispose of the subject property in such manner as the Attorney General may direct, pursuant to Title 21, United States Code, Section 853(n)(1).

WHEREFORE, the United States respectfully requests that this Court enter judgment of criminal forfeiture by issuing the proposed Preliminary Order of Forfeiture, forfeiting to the United States the interest of the defendant One 2003 Mazda Protégé Automobile, color Silver, VIN JM1BJ245X31205914, and ordering the United States to seize forthwith the subject property and dispose of it in accordance with the law.

Respectfully submitted this 12 day of October, 2007.

LEONARDO M. RAPADAS
United States Attorney
Districts of Guam and NMI

By:

~~KARON V. JOHNSON~~
Assistant U.S. Attorney

Civil/Criminal CM/ECF System
District Court of Guam (Hagatna)
CIVIL DOCKET FOR CASE #: 1:07-cv-00022

United States of America v. One 2003 Mazda Protege

Automobile, VIN JM1BJ245X31205914

Assigned to: Chief Judge Frances M. Tydingco-Gatewood

Cause: 21:841 Forfeiture Property-Drugs

Date Filed: 08/07/2007

Jury Demand: None

Nature of Suit: 690 Forfeit/Penalty:

Other

Jurisdiction: U.S. Government Plaintiff

Plaintiff

United States of America

represented by **Karon Johnson**

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LEAD ATTORNEY

ATTORNEY TO BE NOTICED

V.

Defendant

One 2003 Mazda Protege

Automobile, VIN

JM1BJ245X31205914

Date Filed	#	Docket Text
08/24/2007	5	Certificate of Service filed by U.S. Marshals Service re <u>1</u> Verified Complaint of Forfeiture, <u>2</u> Notice of Arrest served on 8/14/2007.(vtk,) (Entered: 08/27/2007)
08/16/2007	4	Warrant of Arrest in Rem Returned Executed on 8/15/2007 as to One 2003 Mazda Protege Automobile, VIN JM1BJ245X31205914. (vtk,) (Entered: 08/16/2007)
08/15/2007	3	Warrant of Arrest In Rem issued (vtk,) (Entered: 08/15/2007)
08/13/2007	2	Notice of Arrest filed by United States of America. (vtk,) (Entered: 08/13/2007)
08/07/2007	1	Verified Complaint of Forfeiture against One 2003 Mazda Protege Automobile, VIN JM1BJ245X31205914, filed by United States of America. (Attachments: # <u>1</u> Cover Sheet)(rsn,) (Entered: 08/08/2007)

Attachment A

PACER Service Center			
Transaction Receipt			
10/11/2007 16:07:56			
PACER Login:	du3397	Client Code:	
Description:	Docket Report	Search Criteria:	1:07-cv-00022
Billable Pages:	1	Cost:	0.08